

Board of Mayor and Aldermen
Regular Meeting, Nolensville Town Hall
Thursday, October 7, 2004, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:02 p.m. Members present were Mayor Knapper, Aldermen Tommy Dugger, Larry Felts, Gail Phillips and Frank Wilson. Counsel Robert Notestine, Police Chief Jeff Goforth, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 55 citizens present.

Mayor Knapper noted that there were changes in the agenda and requested a suspension of rules in order to move an item on the agenda. This was approved by acclamation.

Mayor Knapper led the pledge and prayer.

Mayor Knapper then noted that a note pad was being passed around for the citizens input section. Alderman Dugger retrieved this pad and the citizens input was initiated.

Citizens Comments:

Ms. Pat Cantrell, Real Estate Agent, stated that she did not feel the sprinkler ordinance was a plus. She further stated that she has never seen this type of ordinance other than in Florida, condominiums and commercial. She stated that she is for the increase in square footage.

Ms. Debbie Coleman, Real Estate Agent, stated that she agreed with Ms. Cantrell and you are only increasing the value of the home to the buyer.

Ms. Virginia Douglas, Real Estate Agent, stated that she has been in business for 38 years and this is not a plus factor for her industry. She stated that people are not going to want a sprinkler system in their homes. It will handicap in the selling of property.

Ms. Brenda Jackson, Real Estate Agent, stated that this ordinance would be negative. The fire department will be overworked in false calls. The cost will not be a benefit to the buyer or seller.

Dr. James Clark, 921 Oldham Drive, stated that a resident should not be made to have a sprinkler system. He said that he would like to see sidewalls and not show favoritism.

Mr. Larry Gardner, 2536 York Road, would like to see the board address the schools in regards to the "name". This is a new school and it is in the process of being named by the county. Mr. Gardner further stated that he would like to see the sprinkler remain in OSD's and PUD's.

Dr. Joe Curtsinger, 7380 Nolensville Road, there are a couple of different issues I want to address tonight and to speak about. The concept plan on Sheldon Park. It did not pass unanimously through the Planning Commission and I think it presents a model for the

rest of the development that comes along. I feel the Planning Commission may have pushed this along too much with so many considerations given. I think when a developer comes it ought to be just like a term paper that is handed in to a teacher. You don't leave the bibliography off and say I'll turn it in next week. Well you'll hear a flunk for that. When developers come in and say you know we haven't talked to TDOT about what we want the road. We haven't talked about a traffic impact study, it's coming and this and that. I think your going to get a concept plan for Sheldon Park you need to look at these things that are pending, especially the covenants.

The second part I want to talk about is doesn't really involve the sprinkler system, but the process. I think the thing coming back to the floor tonight puts credibility issues on our Board of Mayor and Aldermen. They have worked for two years through meeting after meeting and if you attended everything that is talked about tonight was taken into consideration and it was passed. The thing is they are bringing back tonight looking at the political time and where things are I think it needs to be revealed. First of all the person who brought it back to the floor is not an elected official. He was appointed to fill a term. The person who brought it to the floor also brought it up there without bringing to the open floor. He did not take advantage of the processes that we have by taking it to the Planning Commission to be discussed at workshops, etc. It was thrown in yall's lap tonight for first reading. Everything else that really matters, always has to go to an open forum, discussions, and workshops. I think it is important to look at the person who brought it to the floor. The person was quoted in the paper this morning and I'll read it here. It says, the ordinance that we passed was good, but I think this could make for a better ordinance. I'm not doing it for the homebuilders and I'm not doing it for the city, I am doing it for the people of Nolensville. This was quoted by Frank Wilson the Alderman which would raise the sprinkler system on file. The next thing that comes out of his mouth, anytime you have a sprinkler system in a building somewhere, sometime, it is going to malfunction. Maybe not for the first person, or second person, but maybe the third who is going to be stuck with a maintenance problem. Why does he bring it back to the floor, when he voted against it – he said it was a good ordinance, but he also condemns it at the same time. I have done some research and I looked at the situation today in terms of Frank's conflict of interest. I want you to know that he's got a lot of money riding on this deal as long as C.K. Development moves forward. It's important to know that there is two deals with easements and highways easements, etc. that are proposed to come across his property. As of August and September, C.K. Development filed their own company known as Nolensville Residential Incorporated. They were very careful to get all their easements properly in place before the new properties across the street become aware of where the Bent Creek property will be. None of the easements however have been recorded that deal with Frank Wilson's property as of this date at the Assessors Office, Registry Deed, etc. I have asked the water company and they said of course the easement was put, has to be there because Steve Cates built the water system going to Bent Creek. I ask you why that is not recorded anywhere in the courthouse especially with the amounts of money that is involved? The final things that you look with it all are the maps, the assessor's office, what does this point to? Frank has a lot of money pending on this situation possibly. I am not saying for sure he does. But, I do not think he should bring this to the table. I think it should have been sponsored by someone

else. I think that if you are going to talk about it he should recuse himself of all this particularly because of the ordinance that is proposed by Mr. Wilson gives Bent Creek the ability to waive the sprinkler system. This is after Mr. Cates has gone to the Fire Department and offered them money or equipment to get out of it. He has also approached our town officials to get out of it. Be very careful, listen to what he says and you'll support Frank to recuse himself and I think you'll question why is this coming back to the floor?

Mr. John Sheley, Executive Vice-President Homebuilders Association, initiated his discussion on the National Code. He noted that insurance plays a role in this ordinance with people turning in claims in regards to water coverage. He distributed several handouts to the board and noted that in the entire code none are required to have sprinklers. He told the board that they had adopted the code and he would like to see them stick to the code.

Ms. Ann McKnight, noted she lives in Nashville and is a builder with Westview Homes. She stated that she was against the sprinkler ordinance. She said that her homes are provided with fire alarms.

Mr. John Montgomery, Franklin builder with Newmark. He stated that he is very excited about building in Nolensville, but he is very opposed to the sprinkler requirement. He stated that he has never had a customer ask for a sprinkler system. In preparing for this evening he contacted his counsel and asked for their opinion. He stated that he was discouraged to learn that his company may not be able to build in Nolensville.

Mr. Steve Cates, Mr. Mayor I have some comments that I would like to address the comments that were made earlier by Mr. Cutsinger to me. I thought they were highly inappropriate and false and I will start with those if I may. He said that Mr. Cates had offered the fire department money. Mr. Cates has not spoken with the fire department one time, not one time, that's false. Secondly, he said that Mr. Cates was involved with Mr. Wilson financially. The situation is I was forced by Mr. Cutsinger and the Planning Commission to consider building a road across Mr. Wilson's farm. Mr. Wilson and his wife do not want to sell their property. They are doing it to benefit the town. Mr. Cutsinger told me after a Planning Commission meeting that if I didn't force the Wilson's to sell it to me that he would see to it that my project personally defeated. Mr. Cutsinger, I believe, is running for the Board of Alderman. I think that speaks for itself. I have never had anyone make up things in a public meeting like that. I am an honest man and that is wrong. After all this is America, people deserve a choice, people shouldn't be forced to put a sprinkler system in their home, particularly when it is not safe and has problems. C.K. Development through this project will invest more than 240 million dollars in your community. I think we should have a say in what happens with the homes in our neighborhood. We have put a 12 inch waterline all the way down Nolensville Road, which changes the water pressure in your city. You did not have adequate water pressure until we did that. In addition, Mr. Sheley has spoke if you have six feet between homes that is equivalent to one-hour firewall. I have designed and developed communities all across America and I have never encountered anything like this. I would

like for you to consider the facts, consider the people that are speaking, and what their agenda is and consider what's right for the community and what's right for the value of Nolensville. We want to give you first rate product and first rate builders, but we have got to be very careful that we don't force people to do things that are going to impact their values and keep them from building here. Then we wind up getting homes that we can't be proud of. We are also doing another project that will be in Nolensville. The homes will be much more valuable than this and they do not desire sprinklers either. Thank you.

Ms. Leigh Rankin, 504 Mer Rouge Court, I would like to encourage you to not base your decision on a financial basis. I feel you need to defer this to the fire chief.

Mr. Billy Allred, with James Hardie Builders, stated that the Cates development is going to brick and hardy plank. When vinyl catches fire it burns rapidly.

Mr. Eric Bently with Funenberry Homes, stated that they were excited to come to Nolensville to build homes. With the sprinkler ordinance buyers will not buy it and therefore we'll only build homes up to the allowed square footage.

Ms. Cindy Arnold, 878 Dortch Lane, stated that the surveys said that 73% disagree with the OSD and PUD's. The Sheldon Park concept plan was approved with 25% front-end garages. She would like to see that all garages must be side entry, 30 feet between homes, no entrance between Rolling Hills, construction entrance on Nolensville Road, change the name from Sheldon Park, and no high density. She further stated that she agree with the builders and developers on the sprinkler ordinance. Additionally she agreed with Dr. Curtsinger that Mr. Wilson should recuse himself.

Ms. Peggy Young, stated that she is not yet a resident, although is viewing this area to call home. She read about the sprinkler ordinance and her daughter has allergies and mold is a large issue. Please make it an option.

Mr. Presley Hughes, Fire Chief, stated that there is clarification that needs to be made. The Fire Department was approached to purchase fire equipment versus the sprinkler system. The waterline that C.K. Development has put in has nothing do with the water pressure. Everyone that has spoken tonight, except two, did not live in Nolensville.

Alderman Dugger made a motion to approve the minutes from September 2, 2004, Alderman Felts seconded. These minutes were approved unanimously, with Alderman Phillips recusing herself, due to her absence last month.

Alderman Felts made a motion to approve the treasurer's report, Alderman Phillips seconded. Recorder Lancaster noted that the cash on hand for the General Fund was \$525,090.90, with cash disbursements being \$47,000. State Street Aid cash on hand was \$125,266.28 with total cash on hand being \$650,357.18. The treasurer's report was unanimously approved.

Mr. Willis Wells Planning Commission Chairman reported the following:

- Noted that the information was before the board and asked if they had any questions.
- Mayor Knapper noted that the Planning Commission had been meeting for six years and they did the survey. The Planning Commission has been acting upon the survey.

Betty Friedlander reported for the Historic Commission:

- The Hazard Waste and Computer Waste will be on October 30, 8:30 –2

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Fire Prevention Week was this week. Educational programs for children have been ongoing.
- Quarterly report was distributed at workshop.
- Have not heard from FEMA grant.

Mayor Knapper reported for the Chamber of Commerce.

- Will meet Tuesday at 6:30 at Methodist Church

Rich Woodroof, Town Engineer/Codes Official reported for the Codes Department.

- 8 building permits were issued
- 1 building addition
- 11 mechanical permits were issued
- 8 plumbing permits were issued
- 39 inspections were performed
- MS4 Annual report was submitted

Chief Jeff Goforth reported for the Police Department.

- Stated a written report had been submitted to the board and asked if any member had questions.
- Noted that COPS grant has not been turned down.

Lonnie Bowden, Director of Public Works reported for the Public Works

- Stated a written report had been submitted to the board and asked if any member had questions.

It was noted that the town has surplus property. In order to liquidate this property the board must approve. Mayor Knapper made a motion to liquidate the property, Alderman

Felts seconded and this passed unanimously.

Mayor Knapper reported for the City Hall Committee noting that this is still being actively pursued.

Mayor Knapper's report:

Mayor Knapper read a proclamation for Breast Cancer Awareness. He then presented this proclamation to Ms. Raylene King. She thanked the board and audience.

Mayor Knapper noted that Town Hall had contacted TDOT to review Nolensville Road. The department has indicated that at the end of October or first of November a public meeting will be held.

Mayor Knapper noted that he had met with the Assistant Director of Williamson County Recreation and Nolensville is still on the agenda. Nolensville has been tentatively set for a new building in 2005-06 fiscal year. There will be a meeting with Williamson County in the near future to look at various sites.

The Planning Commission will be seeing many additions and amendments to the zoning Ordinance in the near future.

Counsel Notestine reported on the various lawsuits. He noted that he will be arguing a case in front of the Supreme Court tomorrow that deals with fines. He stated that the Tennessee Municipal League is very interested in this case due to the outcome affecting all Tennessee Municipalities.

Mr. Notestine noted that the two annexation cases are pending and are in the settlement stage. He noted that the interlocal agreement with Brentwood has a court date of October 18, 2004.

Mayor Knapper noted that the capital improvements budget is being deferred due to ongoing changes.

Mayor Knapper stated that two large landowners have approached the town for a friendly annexation.

Engineers with Fischbach will meet to see which plan best meets the needs of the town and will be brought before the board.

Mayor Knapper stated that he had requested the hiring of a Building Inspector and Planner. He stated that during the process he has determined that he cannot hire a Planner for \$30,000. He requested from the board to increase the Planner to \$42,000 to \$48,000 and the Inspector up to \$35,000. Alderman Phillips made a motion to give the Mayor leverage to go up to \$50,000 for the Planner and \$35,000 for the Inspector total packages, Alderman Wilson seconded and this passed unanimously.

Public Hearing for Zoning Ordinance #04-13 opened at 8:07. Counsel Notestine stated that this is a zoning amendment and was recommended by the Town Planner Bill Terry. There was no comments from the audience. The Public Hearing closed at 8:10.

Reading of Resolution #04-09, a Resolution amending the Town of Nolensville Personnel Policy and Procedure. Counsel Notestine stated that this amendment is to bring the Police Department in line with the FLSA. It allows a police officer to work 42 ¾ hour per week before overtime is paid. Alderman Felts made a motion to approve, Mayor Knapper seconded and this passed unanimously.

Reading of Resolution # 04-10, a resolution to submit an application to the Tennessee Department of Transportation for assistance in the construction of an industrial highway. Counsel stated that this is making a grant application to the state to construct a road into the industrial park. Mayor Knapper stated that this is a grant and does not require repayment. Alderman Dugger asked if there was any investment for the town. Mayor Knapper stated that he did not think there was, but he would verify. Alderman Phillips made a motion to approve, Alderman Wilson seconded and this resolution passed unanimously.

Resolution #04-11 was deferred.

Ordinance #04-14 was deferred.

First Reading of Ordinance #04-16, an ordinance to approve a concept plan for a planned unit development overlay known as the Sheldon Park. Mayor Knapper made a motion to pass this ordinance, Alderman Felts seconded. Mr. Dudley Smith spoke on Sheldon Park. He noted the name will change and we have not come up with that name, although, we want to keep with the historic Nolensville. Mr. Smith did a slide presentation indicating the density. He noted there are 77 town homes and 41 single family homes with a total of 118 units, that is 2.74 units per acre based on the town's current zoning. He noted there were three comments of concern made previously. One was the access into Rolling Hills Drive, another 30% open space, and another density. Currently he has acquired an option to purchase three acres to have access to Nolensville Road. The layout was redesigned for a park and 30% open space. Alderman Phillips asked about the housing backing up to Alec Court. He said that there is a minimum buffer of 30' and it goes to 100'. Alderman Dugger asked for clarification – you really wouldn't be coming before the Board of Mayor and Aldermen if you went with the existing zoning that would allow 118? Mr. Smith said that is correct.

Mayor Knapper noted that this project is subject to various conditions that include TDOT approval, covenants and several other conditions listed in the ordinance itself.

Alderman Dugger asked if Rolling Hills Drive would be coming a major thoroughfare? Mr. Smith said that interconnectivity is important for safety and emergency services.

Mayor Knapper said that he thought most of the traffic would come out on Nolensville Road. Alderman Dugger stated that you mentioned underground utility, is this all utilities? Mr. Smith stated yes. Alderman Dugger stated that the picture does not show driveways. Mr. Smith said there are driveways; they are hidden in that picture. Alderman Dugger asked how long will it be until we get TDOT's recommendation. It was noted that there would be a preliminary meeting before the next meeting. Mayor Knapper asked that when it goes to TDOT we would like to have a representative attend that meeting.

Alderman Dugger made a motion to amend to add turning lanes onto Nolensville Road as a required condition, Alderman Phillips seconded and this passed unanimously. The vote was then taken to pass this ordinance as amended. This ordinance passed unanimously.

First Reading of Ordinance #04-15, an ordinance requiring the installation of automatic fire sprinkler systems within the corporate limits.

Alderman Felts made a motion to defer for one month and hold a workshop to discuss this further. Alderman Phillips seconded and this passed unanimously.

Counsel Notestine stated that this is a proposed amendment and at the workshop square footage will be discussed.

There were comments made tonight about the sponsor of this bill, there are other people that will step up to the plate and sponsor this bill in November.

Alderman Dugger noted that this amendment was discussed at a workshop previously. It was nothing Mr. Wilson thought up on his own. It was discussed at a workshop, which is opened to the public.

Fire Chief Presley Hughes stated that the fire department is independent. He stated that some statements were made tonight and everyone that was not from Nolensville is here for financial gain. One builder stated that no matter what you set as a threshold he's going to come under it. If you set 4,000 square feet he's coming in at 3,999. Mayor Knapper stated that counsel is advising that points are being argued. He asked the Chief to make his comments. He said that one individual said that sprinklers are not safe. Chief Hughes stated that he would like for him to come back and clarify this statement. Tennessee is twice the National average. Mayor Knapper stated that these are points that can be brought up at a later time. Mayor Knapper stated that this is first reading. There will be a second reading and you'll have time for citizen's comments. You will have opportunities to present these issues. Mayor Knapper noted that the board is in the middle of a vote and he wanted the Chief to speak, although he did not want to get into a debate. Chief Hughes stated that they had not been invited to a meeting to discuss this. Mayor Knapper asked Chief if he was through with his comments. Chief stated that he guessed he was going to be. The vote was then taken to defer this ordinance, this passed unanimously. Chief Hughes and Assistant Chief Jason Jones asked if Jason could speak.

Mayor Knapper stated that the rules were handed out at the beginning and the rules are not going to be violated. Assistant Chief Jones continued to debate. Mayor Knapper adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Charles F. Knapper
Mayor